

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of J.W., a person under)	(Not For Official Publication)
eighteen years of age.)	
_____)	Case No. 20051131-CA
)	
P.W.,)	F I L E D
)	(February 16, 2006)
Appellant,)	
)	2006 UT App 52
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, Salt Lake Department, 440345
The Honorable Charles B. Behrens

Attorneys: Colleen K. Coebergh, Salt Lake City, for Appellant
Mark L. Shurtleff and John M. Peterson, Salt Lake
City, for Appellee
Martha Pierce and Brent Newton, Salt Lake City,
Guardians Ad Litem

Before Judges Bench, Billings, and Thorne.

PER CURIAM:

P.W. appeals the termination of her parental rights in J.W. P.W. asserts that there was insufficient evidence to support the conclusion that it was in the best interest of the child to have P.W.'s parental rights terminated when the evidence demonstrated that the child was unlikely to be adopted by her foster parents.

When an appellant intends to challenge the sufficiency of the evidence supporting a finding or conclusion, "the appellant must include in the record a transcript of all evidence relevant to" the challenged finding or conclusion. Utah R. App. P. 54(a). "In the absence of an adequate record on appeal, we cannot address the issues raised and presume the correctness of the disposition." State v. Rawlings, 829 P.2d 150, 152-53 (Utah Ct. App. 1992), overruled on other grounds by State v. Gordon, 913 P.2d 350 (Utah 1996). Because P.W. has not included a copy of

the trial transcript on appeal, we presume the correctness of each of the juvenile court's findings of fact. It is within this context that we analyze P.W.'s claim.

The juvenile court made the following findings:

19. However, [J.W.] is an adoptable child and needs to have permanency and stability in her life. [P.W.] has not adjusted to her circumstances in order to parent this child.

20. It would be in [J.W.'s] best interest to be legally freed for adoption so she can be adopted where she can be secure, stable, and protected from further abuse and neglect and where her physical and emotional needs can be met.

Because there is no transcript on appeal, we presume the correctness of these findings. See id. Further, in making these findings the juvenile court took note that it was in the best interest of the child to have P.W.'s parental rights terminated, despite the fact that, due to changed circumstances, the child's foster parents would not be able to adopt her. Contrary to the arguments of P.W., a person's parental rights may be terminated even if no adoptive home has yet been identified for the child. See Utah Code Ann. § 78-3a-411 (2002) (stating that upon termination, the child is placed in legal custody of a licensed child placement agency or the division for adoption and that all adoptable children shall be placed for adoption); Id. § 78-3a-412 (2002) (discussing review procedure after termination to create permanent placement plan for children); In re S.L., 1999 UT App 390, ¶48, 995 P.2d 17 (noting that after statutory time runs on reunification efforts, the only option is to move towards adoption or some other permanent status--delay in termination proceedings is not an option). Thus, the child's adoption status is only one factor to consider in the determination of the best interest of the child.

The juvenile court considered this factor and determined that it was still in the best interest of the child to have P.W.'s parental rights terminated. Therefore, because the juvenile court considered the child's adoption status in making its findings, and there is no record on appeal that would allow us to review other facts that led to that finding, P.W.'s challenge to the sufficiency of the evidence fails.

Accordingly, the order terminating P.W.'s parental rights is affirmed.

Russell W. Bench,
Presiding Judge

Judith M. Billings, Judge

William A. Thorne Jr., Judge